



3. The subject indictment in this Court was an adoption of the state charges by the Department of Justice.

## **II. SUMMARY OF SENTENCING RECOMMENDATIONS TO THE COURT**

4. Zaquann Hampton is before the Court as the result of a negotiated plea instituted by the Department of Justice. Zaquann Hampton pled to Count 2 with a guideline range, depending on his criminal history: If criminal history category II, 70 - 87 months. If criminal history category III, 78 - 97 months. Unfortunately, it is settled that Zaquann Hampton falls into criminal history category III.
5. It should be noted that, at the time of the commission of this offense, Zaquann Hampton was 18 years of age. If my information is correct, he was the youngest of the people in this indictment before this court.
6. This conviction is Zaquann Hampton's first felony conviction.
7. Zaquann Hampton was returned to the jurisdiction of this Court on December 30, 2016 following the service of a probation violation charge in state prison. Zaquann Hampton has been in custody since that time.

## **III. LEGAL ANALYSIS FOR SENTENCING AFTER UNITED STATES v. BOOKER**

8. Since Booker, Circuit Courts under Chapter 5H restrictions must give way to the discretion of the Court under §3553 to include family ties and responsibilities (5H1.6).
9. It has been consistent in the Fourth Circuit and across the country that §3553 is directive and sentences should be "sufficient, but not greater than necessary to achieve the purposes of sentencing."

10. Said approach should also be factored in with the “reasonableness” standard in light of 3553(a) and the need to avoid unwarranted sentencing disparities among defendants with similar records and who have been found guilty of similar conduct: 3553 (a)(6).

**IV: INDIVIDUAL CHARACTERISTICS OF ZQUANN HAMPTON AND HIS FAMILY**

11. As stated above, Zaquann Hampton was 18 years of age when this offense occurred, counsel believes, the youngest of the men before this Court.
12. That it was Zaquann Hampton’s first and only felony conviction in any court.
13. While incarcerated, Zaquann Hampton became the father of a child who is healthy and will need his support.

**IV. CONCLUSION**

It is Zaquann Hampton’s wish that the Court would vary downward from the established guideline range and pass a sentence taking into consideration the age of Zaquann Hampton and the amount of jail time that he has served prior to sentencing.

Respectfully Submitted,

*s/ David P. McCann*

---

DAVID P. McCANN  
Federal #: 2908  
900 Bowman Road, Suite 100  
Mount Pleasant, SC 29464  
(843) 722-6204 – Phone  
(843) 722-6210 – Fax  
dmccann@mccannlawfirm.com

Mount Pleasant, South Carolina  
This 21<sup>st</sup> day of November, 2017